The Potter Township Supervisors held a Regular Business Meeting on Wednesday, January 11, 2017 at the Potter Township Municipal Building. Ms. Rebecca Matsco called the meeting to order at 6:00pm and led the Salute to the Flag.

In attendance were:

Supervisors: Rebecca Matsco, Earl Shamp and Al Cwynar

Solicitor: Michael Jones
Engineer: Dan Sell
Secretary: Linda McCoy

Visitors: See attached sign in sheet

Ms. Matsco and Mr. Shamp met with Shell Pipeline on January 10, 2017 at the Township building for informational purposes

MOTION: AI Cwynar SECOND: Earl Shamp MOTION CARRIED

TO APPROVE THE MINUTES OF THE DECEMBER 14, 2016 REGULAR BUSINESS MEETING.

MOTION: Earl Shamp SECOND: AI Cwynar MOTION CARRIED

TO APPROVE THE MINUTES OF THE JANUARY 3, 2016 ORGANIZATION MEETING.

#### **CITIZENS:**

There were no public comments.

### Shell Pipeline representatives gave a presentation...

## Virginia Sanchez (External Relations Advisor)

Explained their Safety Program

There will be three pipelines – ethane / nitrogen / natural gas

Shell Pipeline has been in business for over 100 years with 7 tank farms in the US

They are building a website with updates / routes / safety / Q&A

Ms. Sanchez can be contacted at virginia.q.sanchez@shell.com / 713-241-8940

# Sean Guillory (Business Manager)

Pipeline into Potter is called Falcon Ethane Pipeline – because falcons are indigenous to Appalachia

Showed map of routes – they thought about citizens/wildlife/topography when routing pipeline – 94 miles long

It will be a 12" pipeline to a junction approx. one mile outside of Potter Township, then a 16" line

Clearing land – winter of 2018/2019 Construction – end of March 2019 Completion – end of 2019

#### Mike Coyne (Project Manager)

Routing concerns – parallel lines/ridge lines/wetlands/cultural landscapes/endangered species

Survey process – land owners/topography/environmental areas

3 miles of pipeline in Potter (2 miles of that on Shell property)

They will drill horizontally under State Route 18 and will to cross Raccoon Creek Road

They will maintain a 50' permanent Right of Way on properties

The Board had questions/concerns: lines in agricultural areas (they will bury 4' in those areas), info on natural gas pipeline (another entity will have that information), will they have moving crews (yes – they will be starting in several areas at once), contractor standards (they will have an inspection team moderating and will hold contractors accountable and will give that info to the Township), traffic patterns on roads they have to cross (they don't know yet whether they will bore or open cut & restore Mowry Road and Raccoon Creek Road), first responder notification (they will reach out to all first responders for training with their Emergency Response Program & Public Awareness Program – fire/police/hospital/community.

Shell Pipeline LLC will continue to keep the Township updated on routing.

#### **NEW BUSINESS:**

MOTION: AI Cwynar SECOND: Earl Shamp MOTION CARRIED TO PASS RESOLUTION 1-2017, A RESOLUTION OF THE TOWNSHIP OF POTTER, BEAVER COUNTY, COMMONWEALTH OF PENNSYLVANIA APPROVING THE DISPOSITION AND RETENTION SCHEDULE OF CERTAIN MUNICIPAL RECORDS.

This Resolution approves the disposition of 2009 records.

MOTION: Earl Shamp

SECOND: AI Cwynar

MOTION CARRIED
TO PASS RESOLUTION 2-2017, A RESOLUTION OF THE TOWNSHIP OF POTTER, BEAVER COUNTY,
COMMONWEALTH OF PENNSYLVANIA APPOINTING LINDA MCCOY TO THE PART-TIME POSITION OF
TOWNSHIP SECRETARY FOR THE TOWNSHIP OF POTTER, ESTABLISHING THE SALARY FOR HER SERVICES
AND OTHER TERMS OF EMPLOYEMENT.

#### SOLICITOR:

The Township Solicitor reviewed the conditional use application and land development plan submitted by Shell Chemical Appalachia, LLC on August 11, 2016 and revised on November 11, 2016. The public hearing on the application was duly advertised in the Beaver County Times and the hearing was held on December 13, 2016 and continued to December 14, 2016 when it concluded and the record was closed. As requested by the Township, Shell and CAC provided written Proposed Findings of Fact and Conclusions of Law on January 6, 2017.

The Conditional Use Application and Land Development Plan were reviewed pursuant to and in accordance with the Potter Township Subdivision and Land Development Ordinance (SALDO), Zoning Ordinance, Public and Private Improvements Code (PPIC) and the Pennsylvania Municipalities Planning Code (MPC).

The Applicant obtained and the Township received reviews and recommendations from both the Beaver County Planning Commission and the Potter Township Planning Commission. The Application was reviewed by the Township Engineer who provided several comments and requests to which the Applicant responded to the satisfaction of the Engineer.

The Conditional Use Application and Land Development Plan complies with the provisions of the SALDO with two minor exceptions: Scale drawings and permanent monuments. The Supervisors were satisfied that scale drawings were not necessary in that the Applicant had provided complete drawings for review. The Supervisors were satisfied that temporary monuments, or medallions, could be used during construction and that permanent monuments would be placed at property corners upon completion of construction.

The Conditional Use Application and Land Development Plan complies with the provisions of the Zoning Ordinance. A petrochemical facility is a conditional use in the Industrial District with review criteria set forth in section 210-63 of the Zoning Ordinance. The Applicant provided the requisite engineering/surveyor sealed drawings, site data and project details setting forth areas of operations, fences, proposed buildings, distances from property lines, location of streams-ponds-waterways adjacent to or on the property, floodplain areas, topography, location of existing or proposed rights-of-way and vacation of same, location of fire hydrants, availability of public sanitary sewage and water, storm water controls, parking areas, loading and unloading areas, proposed signage, grading-excavating-drainage, exterior lighting plan, community impact/benefits study, screening-buffering-landscaping-revegetation, visual and sound privacy measures for adjacent property and public roads and compliance with applicable environmental regulations, transportation and emergency services, traffic study (construction and operation), proposed rail, highway and river transportation routes, PPC plan and noise. Some of these submissions were provided pursuant a Confidentiality Agreement which is permitted under the Zoning Ordinance dealing with security, vital infrastructure and proprietary information.

The Applicant requested a waiver of the 65 dBA noise level required by the Zoning Ordinance during construction stipulating not to exceed this level at night and not to exceed 75 dBA during the day. The Supervisors will grant this waiver, but will require noise monitoring from 2-3 locations during construction and periodically during operations with monthly reports submitted to the Township.

The Applicant requested a waiver of the setback requirements in Section 210-21 and 210-87 of the Zoning Ordinance. The Supervisors will grant this waiver, but will require single entity ownership of parcels and buildings which encroach in the requisite setback areas.

The Applicant will comply with the height limitations set forth in section 210-89 of the Zoning Ordinance.

The Applicant will comply with the performance standards set forth in section 210-90 of the Zoning Ordinance relative to glare, environmental regulations of the DEP and EPA pertaining to air quality and all environmental regulations pertaining to water quality.

The Applicant requested a waiver of the requirements set forth in the PPIC at Sections 149-6(E) and 149-51(c) relative to working hour restrictions. The Supervisors will grant this waiver to allow 24/7 working hours so long as noise, light and traffic concerns are appropriately monitored and addressed.

The Solicitor informed the Supervisors that local municipalities, pursuant to the MPC, may not in considering conditional use applications, attach conditions or safeguards related to offsite transportation or road improvements. Consequently, only traffic and road concerns within Potter Township may be considered by the Supervisors.

The Solicitor reviewed in detail the evidence submitted during the public hearing from Shell and CAC. The Supervisors then specifically discussed CAC's proposed conditions if the plant is approved and determined that there is a need for reasonable conditions so that noise, light and traffic are appropriately monitored and addressed during construction and periodically during operations. This monitoring may include construction of the Shell Pipeline which will serve the facility. If violations are found, the Township may require the implementation of mitigation measures. The Township has the authority to respond to violations of conditional use approval through enforcement notices, fines and court involvement.

There were 12 citizens that offered comments and questions related to the Shell plant:
Casey Harrington, Bob Schmetzer, Kirk Jalbert, Thaddeus Popovich, Lewis Braham, Dillon White, Harry Gravert,
Margaret Baco, Anthony McAllister, Rebekah Gamble, Beth McAhren and Michelle Chapkis.

Following citizen comments the Supervisors approved the following:

MOTION: AI Cwynar SECOND: Earl Shamp MOTION CARRIED TO AUTHORIZE THE SOLICITOR TO PREPARE A WRITTEN DECISION APPROVING WITH CONDITIONS SHELL CHEMICAL APPALACHIA LLC'S LAND DEVELOPMENT PLAND AND CONDITIONAL USE APPLICATION FOR CONSTRUCTION AND OPERATION OF A PETROCHEMICAL FACILITY.

There was disruption from Clean Air Council members after the above Motion and throughout the remainder of the meeting with the need to request order by Ms. Matsco several times.

#### **ENGINEER:**

MS4 Stormwater - Mr. Sell said that the waiver for advanced approval was completed and was submitted to DEP before the December 31, 2016 deadline. Ms. Matsco wanted to know when we would hear the result and Mr. Sell said that this is just the advanced approval we are waiting for and in September we will submit the waiver.

<u>Shell Chemical Appalachia – Grading Permit Application</u> – Mr. Sell has been reviewing the second submission of the grading permit application and will have comments sent to Jacobs Engineering shortly.

#### **PLANNING COMMISSION:**

The Board has accepted the resignation of Ron Robinson from the Planning Commission. Mark Summerville will fill his unexpired term.

The Board has accepted the resignation of Tim Robinson as an alternate on the Planning Commission

MOTION: Earl Shamp SECOND: AI Cwynar MOTION CARRIED TO APPOINT MARK SUMMERVILLE TO THE PLANNING COMMISSION TO FILL THE UNEXPIRED TERM OF RON ROBINSON ENDING JANUARY 2019.

Casey Harrington stated that the Planning Commission will meet every third Thursday this year.

### FIRE DEPARTMENT:

Casey Harrington stated that the Fire Department will have a Spring Raffle Ticket and another Wine Trip on June 3<sup>rd</sup> of this year with more information to follow.

#### **ROAD DEPARTMENT:**

No report.

#### POLICE DEPARTMENT:

No report

### **REAL ESTATE TAX COLLECTOR:**

Christie Floyd-Gabel submitted the November 2016Real Estate Tax Report to the Supervisors.

Ms. Matsco gave us info on the latest RECAP meeting with the Route 18 Corridor businesses that includes NOVA, BASF and Weavertown. She stated that NOVA shared great information of the demolition of its power plant and that there is a lot of hiring going on in the Route 18 Corridor businesses.

# **TREASURER'S REPORT:**

	MOTION: Al Cwynar	SECOND: Rebecca Ma	atsco ABST <i>A</i>	AINED: Earl Shamp	MOTION (	CARRIED
TO APPROVE THE TREASURER'S REPORT AND PAY THE BILLS FOR THE MONTH OF JANUARY.						
	The balance in the	General Fund Account is	\$497,528.51	Bills for this account totale	d \$44,879.2	27
	The balance in the	State Liquid Fuels Account is	\$1,602.07	Bills for this account totale	d \$1,075.59	<del>)</del>
	The balance in the	<b>Capital Equipment Account is</b>	\$84,396.45	There were no bills for this	account	
	The balance in the	<b>Escrow Money Account is</b>	\$13,456.58	Bills for this account totale	d \$63,259.0	)0
	The balance in the	Wage Tax Account is	\$59,878.12	There were no bills for this	account	
	The balance in the	Public Safety Account is	\$2,200,656,99	There were no bills for this	account	

# **ANNOUNCEMENTS**:

The Township Office will be closed on Monday, January 16, 2017 in observance of Martin Luther King Day.

The Supervisors will hold a Work Session/Meeting on Wednesday, January 18, 2017 at 6:00 PM at which business will be conducted.

The Planning Commission will hold a meeting on Thursday, January 19, 2017 at 7:00 PM.

The next regular meeting of the Board of Supervisors will be Wednesday, February 1, 2017 at 6:00 PM.

MOTION: Earl Shamp SECOND: AI Cwynar MOTION CARRIED THERE BEING NO FURTHER BUSINESS THE MEETING ADJOURNED AT 8:06pm.

Respectfully Submitted,

Linda McCoy, Secretary